

Remarks

Claims 1-20 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

In the instant Office Action dated October 15, 2007, claims 1-2, 4-6, and 9-18 stand rejected under 35 U.S.C. § 102(b) over Inagaki (U.S. Patent No. 5,256,997); and claims 3, 7-8, and 19-20 stand rejected under 35 U.S.C. § 103(a) over Inagaki.

Applicant respectfully traverses the rejections under 35 U.S.C. § 102(b) over Inagaki for failing to show correspondence to each limitation of the pertinent claims. Specifically, the Office Action relies upon an improper interpretation of the Inagaki reference. First, the Office Action appears to assert a wedge shaped response corresponds to a passband ripple. *See, e.g.*, Inagaki at FIG. 3E and col. 5, lines 25-29. Secondly, the Office Action appears to assert that a frequency delay response corresponds to a magnitude of a passband ripple. Applicant submits that such interpretations are improper as being inconsistent with Applicant's specification. Notwithstanding, Applicant has amended claims 1 and 11 to clarify such inconsistencies. Specifically, the claims now explicitly include limitations directed to passband ripples with respect to signal gain at frequencies in a passband of the filters. As the Inagaki reference is directed to group delay with respect to frequencies (*see, e.g.*, Inagaki at Summary of Invention), it fails to teach correspondence to passband ripples with respect to signal gain at frequencies in a passband of the filters. Accordingly, Applicant submits that the rejections cannot stand and respectfully requests that they be withdrawn.

With regard to the rejections of claims 3, 7-8 and 19-20, Applicant respectfully traverses the rejections. The rejections rely upon the same improper interpretation as the 35 U.S.C. § 102(b); accordingly, they are also improper. Moreover, the Examiner appears to be taking unsupported/improper official notice with regard to various claim limitations, while improperly requesting that Applicant show criticality regarding the claim limitations. Applicant notes that the M.P.E.P. 2144.03 states that "(i)t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." A vague assertion that orders of filters can generally

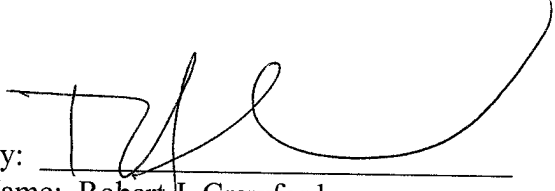
be selected does not properly address the specific limitations of Applicant's claims. Applicant submits that the Examiner has not presented an instant and unquestionable demonstration that the specific claim limitations would have been well known and as applied to the Inagaki reference. As such, the Examiner has not presented a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests that, if the rejection is to be maintained, the Examiner provide documentary evidence in the next Office Action supporting the specific claim limitations as applied to the Inagaki reference. *See, e.g.*, M.P.E.P. 2144.03. Moreover, the Examiner's attempt at eliciting a showing of criticality from Applicant is improper where, as here, a *prima facie* case of obviousness has not been presented. Accordingly, Applicant submits that the rejections are improper and requests that they be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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